

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

..... X
DEVIN G. NUNES,

Plaintiff,

- against -

NBCUNIVERSAL MEDIA, LLC,

Defendant.
..... X

Case No.: 22-cv-1633-PKC-SN

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

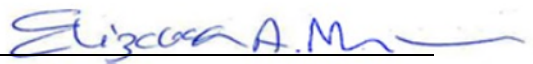
PLEASE TAKE NOTICE that Defendant NBCUniversal Media, LLC (“NBCU”) will move this Court, before the Honorable P. Kevin Castel, United States District Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and time as the Court sets, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing Plaintiff Devin G. Nunes’s (“Plaintiff”) Second Amended Complaint with prejudice, and for such other and further relief as the Court shall deem just and proper. NBCU will also move this Court for an order pursuant to Federal Rule of Civil Procedure 37(e) (i) dismissing Plaintiff’s Second Amended Complaint as a sanction for his spoliation or, in the alternative, (ii) entering an adverse inference order that presumes the spoliated information was unfavorable to Plaintiff, and (iii) awarding NBCU their costs and reasonable attorneys’ fees. In support of these motions, NBCU relies upon the accompanying (1) Memorandum of Law in Support of NBCU’s Motion for Summary Judgment and Sanctions, (2) Statement of Undisputed Material Facts, (3) Declaration of Elizabeth A. McNamara and the

exhibits annexed thereto, and (4) Declaration of Rachel Maddow,¹ (5) Declaration of Cory Gnazzo,² and (6) Declaration of Jeremy A. Chase and the exhibits annexed thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the scheduling order issued by the Court on October 8, 2024: (i) answering papers, if any, are to be served on or before January 13, 2025; and (ii) reply papers, if any, are to be served on or before February 12, 2025. Any oral argument will occur on a date and at a time designated by the Court.

Dated: November 21, 2024
New York, New York

Respectfully submitted,

By: 
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Jeremy A. Chase
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*Attorneys for Defendant NBCUniversal
Media, LLC*

¹ The Declaration of Rachel Maddow is attached to the Declaration of Elizabeth A. McNamara as Exhibit 2.

² The Declaration of Cory Gnazzo is attached to the Declaration of Elizabeth A. McNamara as Exhibit 3.